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6 SIOUX HONEY ASSOCIATION
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 GREGORY BROD, individually and on behalf) Case No. CV 12 01322 EMC
12 of all others similarly situated,)
13 Plaintiff,) **STIPULATION EXTENDING TIME FOR**
14 v.) **SIOUX HONEY ASSOCIATION**
15 SIOUX HONEY ASSOCIATION,) **COOPERATIVE TO FILE A REPLY BRIEF**
16 COOPERATIVE, an Iowa entity,,) **IN SUPPORT OF MOTION TO DISMISS**
17 Defendants.) **THE FIRST AMENDED COMPLAINT**
18 _____)
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WHEREAS on May 29, 2012, Defendant Sioux Honey Association, Cooperative filed its Motion to Dismiss Pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12 (b)(6), setting the motion for hearing on July 20, 2012. Plaintiff Gregory Brod's response was due on June 12, 2012 and Sioux Honey's Reply was due on June 19, 2012.

WHEREAS the parties stipulated and the court ordered an extension of time for Brod to file his opposition to June 20, 2012, and Sioux Honey to file its Reply on June 27, 2012, which did not affect the hearing date of July 20, 2012.

WHEREAS, Brod filed his opposition to Sioux Honey's motion to dismiss on June 20, 2012.

1 **WHEREAS**, given the complexity of the issues raised by the pending motion to dismiss,
2 Sioux Honey seeks a two day extension of time to Friday, June 29, 2012 to file its reply brief in
3 support to the motion to dismiss.

4 **WHEREFOR** pursuant to the United States District Court for the Northern District of
5 California Local Rules, Rules 5-4, 6-2, and 7-12, Brod and Sioux Honey respectfully request that the
6 court issue an order permitting a two day extension of time within which Sioux Honey may file its
7 Reply brief on or before June 29, 2012, which will not affect the hearing date of July 20, 2012.

8 SO STIPULATED.

10 Dated: June 26, 2012

HINSHAW & CULBERTSON LLP

12 */s/ David Ian Dalby*

13 Attorneys for Defendant Sioux Honey Association
14 Cooperative

15 Dated: June 26, 2012

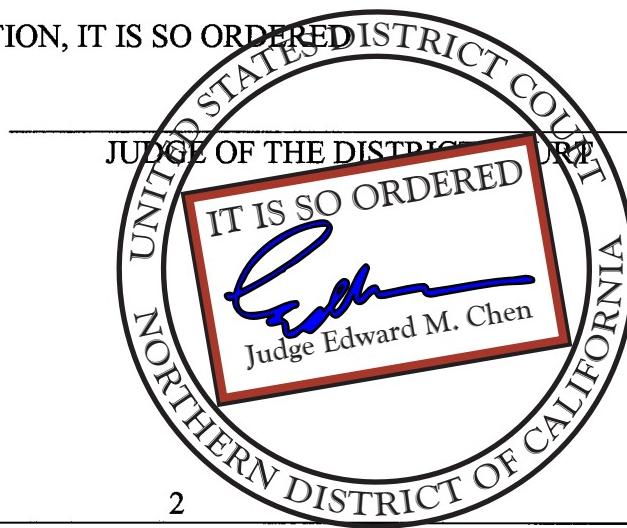
KAPLAN FOX & KILSHEIMER LLP

17 */s/ Linda Fong*

18 Attorneys for Plaintiff Gregory Brod

21 PURSUANT TO STIPULATION, IT IS SO ORDERED

22 Dated: June __, 2012



DECLARATION OF DAVID JAN DALBY

I, David Ian Dalby declare,

1. I am an attorney licensed to practice in the State of California and I am admitted to practice before this court. I have personal knowledge of the facts recited in this declaration and could competently testify thereto if called upon to do.

2. This is one of a number of class action suits that have been filed in Florida, California and Wisconsin concerning state regulations relating to the sale and marketing of honey. There is currently pending a motion to transfer these cases to the Multi District Litigation panel in view of the number of cases and the nominal similarity of the claims made.

3. This case raises novel and complex issues concerning California's regulation of sale of marketing of honey, federal preemption and the Constitution's Supremacy Clause relating to interstate commerce in honey.

4. Plaintiff Brod served filed and served his opposition to Sioux Honey's motion to dismiss on Wednesday, June 20, 2012. Despite my best efforts and the efforts of other attorneys in my firm, a two (2) day extension of the time in which Sioux Honey has to file a Reply brief to Friday, June 29, 2012 is necessary for Sioux Honey to prepare and appropriately address the arguments made by Brod in opposition to the motion to dismiss.

5. There is an a Case Management Conference scheduled in this case and the related
Ross v. Sioux Honey Association, Cooperative, Case No. C 12-1645 EMC, scheduled for July 6,
2012 at 9:00 a.m.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: June 26, 2012

/s/ David Ian Dalby